

REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
WEDNESDAY, MAY 7, 2008
7:30 p.m.

Mayor Ray Ewing called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance

Council member Grim gave the invocation.

Roll call showed the following present:

Vice Mayor Shull, Council member Ron Bowers, Council member Linden A. Fravel Jr.,
Council member Mike Grim, Council member James Harter, Council member Joseph W.
Hollis

Staff present: Mike Kehoe, Town Administrator; Brian Henshaw, Town Planner; Kathy Monk,
Town Treasurer; David Griffin, Town Attorney; Charles Bockey, Jr., Chief of Police.

Others present: Carolyn Skaritza, Stephens City Garden Club; Bill Dodson, 5148 Main St.; Tim
Stowe, Stowe Consulting; Jerry Copp, VDOT.

ACTION AGENDA

Vice Mayor Shull moved to adopt the Agenda as amended to a show closed session and the
motion carried.

PUBLIC COMMENTS

Mayor Ewing asked if there were citizens present who wished to address Council and advised
that they must limit their comments to three minutes.

Carolyn Skaritza, representing the Stephens City Garden Club, asked that Council put some
money aside in the treasury for projects in the community. She said the Garden Club planned to
put some plants around the signs prior to the Newtown Festival. She also said they were in the
initial stages of getting planters and might need a little help at the beginning but that the long
term project will not entail a great deal of expense. Ms. Skaritza said there was beautification
needed on Main Street and the garden club would put forth the effort but it had no budget. She
also thanked Council for having the pedestrian crossing sign at the intersection installed.

Bill Dodson, said he was a life-long resident of Stephens City and had just bought 5148 Main
Street. He stated that there was a problem was at the far east end of his property with the
drainage ditch. He said that when it rains, the whole area floods and there is a smell like diesel
fuel in the water. He added that behind Mr. Martin's property the backup looks like sludge with
diesel fuel. Mr. Dodson said he had a large portion of his property that could not be used
because of this backup. He suggested that it was time to clean out the drainage easement.

MINUTES – April 1, 2008.

Council member Fravel moved to approve the minutes of April 1, 2008 as presented and the motion carried by the following vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

TREASURER'S REPORT

The Mayor asked for questions or comments on the Treasurer's report and there were none. The Treasurer's report was accepted as presented.

POLICE REPORT

Mayor Ewing said the police report had been distributed and asked for any questions or comments. There being none, the police report was accepted as presented.

ACTION AGENDA

A. Public Hearing – Ordinance to Impose a Cigarette Excise Tax

Mayor Ewing called the Public Hearing to order on the following matter:

An Ordinance for the imposition of a cigarette tax within the Town of Stephens City.

Mr. Kehoe, Town Manager said he had been gathering information and had been in contact with other jurisdictions to hear pros and cons of their taxes. He advised that for the most part it was a positive revenue source and added a little additional work with wholesalers. Mayor Ewing asked for comments from the public for or against the proposed ordinance. There were none and Mayor Ewing closed the public hearing.

Mayor Ewing said the Finance Committee recommended approval of the ordinance.

Mayor Ewing asked that the Clerk read the ordinance by title only for the first reading. The Clerk protem read "An Ordinance for the imposition of a cigarette tax within the Town of Stephens City." Hollis moved to approve the first reading of the ordinance and the motion passed.

Mayor Ewing asked that the Clerk read the ordinance by title only for the second reading. The Clerk protem read "An Ordinance for the imposition of a cigarette tax within the Town of Stephens City." Council member Fravel moved to approve the second reading of the ordinance and the motion passed. Mayor Ewing announced that the third and final reading would be at the June meeting.

B. Town Code Chapters 1 & 2, Repeal, Revise, Reenact – 3rd and final reading

Mayor Ewing noted that part of these changes would eliminate the necessity for three readings of an ordinance.

The Mayor asked the Clerk to read the Ordinance by title only for the third and final reading. The Clerk protem read “An Ordinance to Repeal, Revise and Reenact Chapters 1 and 2 of the Code of the Town of Stephens City.” Vice Mayor Shull moved to approve the final reading of the ordinance (copy attached) and the motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

C. Proposed Dedication of Right of Way from Shen Valley Lime Corporation

Mayor Ewing asked Town Engineer Tim Stowe to present the proposed dedication. He said everyone was given a copy of the right of way for the bypass. He said he met with Greenway Engineering and Public Works Committee and determined the right of way still needed work before approval. He pointed out on the plat that the alignment does not follow the alignment as previously agreed to with the property owners and this additional width would require another bridge to be constructed to cross Route 11 requiring more property. He added that because it is a subdivision a review would also be needed. Jerry Copp from VDOT said the town had gone on record as supporting the move of the interchange south. He said VDOT was trying to get the design process going but were waiting for funding. He distributed additional drawings showing a conceptual plan only. He agreed that the developer needed to know what could be done as far as setback lines because everyone wanted to avoid a building process that will get in the way of the bypass. After further discussion, Council suggested that the Public Works Committee review the right of way again with this additional information. Mr. Kehoe said the developer said the discussion would be over, if the town wouldn't accept it as presented.”

Council by consensus took no action and referred the right of way to the Public Works Committee and staff for further consideration. Vice Mayor Shull suggested contacting the developer about the additional requirements that may be needed with the hope they would be willing to work with the town as they had done before.

D. Adoption of Water Model Plan by Anderson & Associates

Vice Mayor Shull reported that the Water/Sewer Committee reviewed the water system master plan. She stated that the plan could be used as a guide document for what would be needed as the

annexed areas develop and expand. She added that the model provided for the fire protection necessary throughout the town.

Vice Mayor Shull moved that the Council adopt the Water Model Plan prepared by Anderson & Associates as the town water model. The motion passed by the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye
Council member Fravel	-	Absent

E. Crooked Lane Improvements – Contract Awarded to Shen Valley Construction

Town Engineer, Tim Stowe reported that the project was advertised for bids on March 19 and is a state funded project through VDHCD. He said the bid opening was held April 11 with five bids being received and the low bidder was Shen Valley Construction. Mr. Stowe said he reviewed the bid documents and the Town Planned reviewed the administrative aspects with VDHCD. Mr. Stowe recommended Council award the contract to Charles Whitacre of Shenandoah Valley Construction with a bid amount of \$409,690 which was within the available funding in the grant. He added that \$33,500 of that was being paid for by West Wynd developer as construction of items that were proffered which covered the connection of Grove and Ravenwood Streets

Council member Grim moved that Council award the contract for Crooked Lane improvements to Shenandoah Valley Construction in the amount of \$409,690.00. The motion was passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

F. Proclamation – Municipal Clerk’s Week – May

Mayor Ewing introduced the proclamation honoring municipal clerks. Council member Harter moved to adopt the proclamation.

PROCLAMATION

Municipal Clerks Week

May 4 through May 10, 2008

Whereas, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Municipal Clerk is the oldest among public servants,

Whereas, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and

Whereas, The Municipal Clerk serves as the information center on functions of local government and community, and

Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations, and

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

Now, Therefore, the Town Council of the Town of Stephens City, does hereby recognize the week of May 4 through May 10, 2008, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 6th day of May, 2008.

Mayor

Attest: _____

G. Invitation to Frederick County to form Joint Annexation Committee

Mr. Henshaw said that the invitation letter was distributed for review. He said the letter stated the intent and purpose of the committee while allowing the committee to determine the exact methods in which it should act. Council member Fravel moved to approve the letter of invitation to Frederick County to form a Joint Annexation Committee. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

H. Tim Stowe, Town Engineer, Appointed as alternate to TAC (Transportation Advisory Comm)

Mr. Henshaw said that as the town's current representative to the TAC, he suggested that Mr. Stowe be named alternate in the instance of scheduling conflicts. He said Mr. Stowe would represent the town's interests in Mr. Henshaw's absence. He said Mr. Wyatt is currently the alternate but suggested that Mr. Stowe now had a more direct line to the town.

Mr. Hollis moved to appoint Mr. Stowe as the town's alternate to the TAC. The motion passed by the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

COMMITTEE REPORTS

A. Finance Committee – Joseph Hollis, Chair

No report.

B. Water & Sewer Committee – Joy Shull, Chair

Vice Mayor Shull moved that the town purchase sewer cleaning equipment at approximately \$3500 as back up for the Merritt Company. The motion passed by the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

Vice Mayor Shull stated that the water leak at the intersection of Farmview and Barley is getting worse and should be addressed. Mr. Kehoe reported that E.R. Neff had been contacted and will be undertaking repairs next week.

Vice Mayor Shull further reported that the committee recommended the addition of a sewer model plan to the CIP fund for next year similar to the earlier adopted water model plan. She was advised by Finance that it was already included.

C. Public Works Committee – Mike Grim, Chair

Council member Grim reported that the committee discussed vacation of the right-of-way on Squirrel Lane and recommended that Council set a public hearing for this action. Mayor Ewing said this would be the subject of public hearing at the June meeting. Council member Fravel suggested that the portion of Squirrel Lane under the CSX railroad not be vacated as this could be used in the future. Council member Grim added that all property owners affected by the vacation had been contacted and expressed no objections.

Council member Grim further reported that the committee reviewed the municipal building capacity question recommending that TAI be contracted to do the study. Mr. Henshaw added that two firms were interviewed for the project which would be only a study. He said it would provide information Council could use in the future for capacity needs.

Council member Fravel moved that TIA be contracted to undertake the municipal building capacity study. Council member Hollis asked the cost and Mr. Henshaw said the firm was made aware of the limit based on the budgeted amount from last year. The motion was passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

D. Public Safety Committee – Ron Bowers, Chair

Council member Bowers reported that the committee had earlier in the year requested that the speed limit be reduced to 35 mph at the south end of the town limits and VDOT would not approve the proposal. He said the committee would like to go back to VDOT with a new resolution reducing the speed limit to 45 mph. There was discussion regarding speed limits established by state and town codes. Dave Griffin, Town Attorney, advised that until there is clarification for existing conflicting speed limits, a resolution from Council was the best action. Mayor Ewing suggested that a resolution be adopted requesting a 45 mph speed limit at the south end of the town limits and suggested the county transportation committee be asked to endorse this. All Council members agreed to this suggestion.

Council member Bowers reported that the Police SOP must be updated annually according to the General Assembly. He said that Chief Bockey has completed work on the updates and there were very minor changes. He added that these could not become effective until approved by Council. Chief Bockey advised that some changes will need further discussion in order to bring them into compliance. Mr. Griffin agreed that the orders could be adopted by Council.

Council member Bowers moved that Council adopt the updated administrative Police SOP as prepared by Chief Bockey. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

PLANNER'S REPORT – Brian Henshaw

Mr. Henshaw advised there was a draft copy of CIP from the Planning Commission prepared to be advertised for public hearing at the June meeting.

Mr. Henshaw reported on the banner project advising that there are a total of 31 banners sponsored at this time. He said that the banners would be going up in the next week and permission to use the power poles had been received from Allegheny Energy. He noted that it was a good project for the beautification of Main Street and the response was such that the area for display of the banners may have to be expanded.

TOWN MANAGER'S REPORT – Mike Kehoe

1. Mr. Kehoe reported that the town will be soliciting proposals for the upcoming audit for the next three years. The current audit is being completed.
2. Mr. Kehoe advised that three bids were received for the refuse contract for the next three years and one was within the range of the draft budget item. He said this would be referred to the Public Works Committee for review and proposed acceptance in June.
3. He reported that the VDOT enhancement grant approved the next phase for the school project. This could now be put out for bid and will be advertised for a period of 30 days. He said he expected the project to get underway in mid-summer.
4. Mr. Kehoe said the town had also received final approval from VDOT for the Mulberry Street plans for sidewalk and drainage work. He said the sidewalk would be the initial work done and this should be within budget.
5. He further advised that the concession building should be completed before the festival.
6. Mr. Kehoe reported that The Newtown Heritage Festival is slated for the 24th and 25th of May but will begin with the Sherando High School Band concert on the 22nd. He said the planning was coming along well and hoped for a nice weekend. He also stated that they could use all the volunteer help possible.

COUNCIL COMMENTS/CALENDAR

No changes were made to the meeting schedule.

CLOSED SESSION

Council member Bowers moved that the Council of the Town of Stephens City enter Closed Session pursuant to Section 2.2-3711.A.7 of the Code of Virginia, 1950, As Amended, for the purpose of consultation with legal counsel pertaining to actual or probable litigation.

Vote: Ayes: Vice Mayor Shull
Council member Bowers
Council member Fravel
Council member Grim
Council member Harter
Council member Hollis

Nay: None
Abstain: None
Absent: None

ATTEST: _____
Town Clerk

CERTIFICATE OF CLOSED MEETING

RESOLUTION

Date: May 7, 2008

Motion By: Vice Mayor Shull

WHEREAS, the Council of the Town of Stephens City, Virginia has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

RECORDED ROLL CALL VOTE:

Aye – Vice Mayor Joy Shull
Council member Ronald Bowers
Council member Linden A. Fravel, Jr.
Council member Michael Grim
Council member James Harter
Council member Joseph W. Hollis

Nay - None
Absent – None
Abstain – None

ATTEST: _____
Town Clerk

There was no action taken as a result of the Closed Meeting.

There being no further business, Councilman Grim moved to adjourn at 9:25 p.m. and the motion carried.

Ray E. Ewing, Mayor Ray Ewing

Dianne L. MacMillan, CMC, Town Clerk